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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/081,624	02/20/2002	Jason L. Fuller	108298636US	1950
25096	7590	10/18/2004	EXAMINER	
PERKINS COIE LLP PATENT-SEA P.O. BOX 1247 SEATTLE, WA 98111-1247			HARAN, JOHN T	
			ART UNIT	PAPER NUMBER
			1733	

DATE MAILED: 10/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/081,624	FULLER ET AL. <i>SC</i>
<b>Examiner</b>	<b>Art Unit</b>	
John T. Haran	1733	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM  
 THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on 06 October 2004.  
 2a) This action is **FINAL**.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 1-45 is/are pending in the application.  
 4a) Of the above claim(s) 3,5,12,14,18,20,22,24,26,31-35 and 41-45 is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1,2,4,6-11,13,15-17,19,21,23-25,27-30 and 36-40 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 ( a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____

## **DETAILED ACTION**

1. This office action is in response to the arguments filed on 10/6/04.

### ***Claim Rejections - 35 USC § 103***

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claims 1, 2, 7-9, 10, 11, 16, 17, 23, and 27-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over the admitted prior art in view of Lim et al (U.S. Patent 6,378,200), Tandy (U.S. Patent 6,212,767), and Leonard (U.S. Patent 6,071,371).

The body of the rejection can be found in paragraph 4 of the office action mailed on 7/6/04.

4. Claims 4, 13, 19, 25, 36 and 38-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over the admitted prior art in view of Lim et al (U.S. Patent 6,378,200), Tandy (U.S. Patent 6,212,767), and Leonard (U.S. Patent 6,071,371) as applied to claims 1, 2, 7-9, 10, 11, 16, 17, 23, and 27-30 above, and further in view of Imasu et al (U.S. Patent 6,208,525).

The body of the rejection can be found in paragraph 5 of the office action mailed on 7/6/04.

5. Claims 6, 15, 21, 27, and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over the admitted prior art in view of Lim et al (U.S. Patent 6,378,200), Tandy (U.S. Patent 6,212,767), and Leonard (U.S. Patent 6,071,371)

as applied to claims 1, 2, 7-9, 10, 11, 16, 17, 23, and 27-30 above, and further in view of Takiar et al (U.S. Patent 5,422,435).

The body of the rejection can be found in paragraph 6 of the office action mailed on 7/6/04.

### ***Response to Arguments***

6. Applicant's arguments filed 10/6/04 have been fully considered but they are not persuasive.

Applicant's arguments are based on the assumption that Tandy (U.S. Patent 6,212,767) is unavailable as prior art. While Tandy is available under 102(e) it is also available as prior art under 102(a) because it is a patent to another published (4/10/01) before the application was filed (2/20/02). Since Tandy is available as prior art under 102(a), Applicant's assertion of common ownership to make it unavailable under 102(e) is moot.

### ***Conclusion***

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

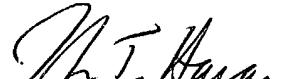
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory

action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **John T. Haran** whose telephone number is **(571) 272-1217**. The examiner can normally be reached on M-Th (8 - 5) and alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Blaine Copenheaver can be reached on (571) 272-1156. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



John T. Haran  
Examiner  
Art Unit 1733